

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**OAK TREE PERMIT NUMBER 02-163(4)
FOURTH SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

Your Board previously conducted a hearing regarding the above-referenced permit which proposes the removal of four oak trees in connection with the construction of a library at Peter F. Schabarum Regional County Park. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed us to prepare the appropriate findings and conditions. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

LLOYD W. PELLMAN
County Counsel

By
RICHARD D. WEISS
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:

LLOYD W. PELLMAN
County Counsel

RDW/
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
OAK TREE PERMIT NUMBER 02-163-(4)**

1. The applicant is requesting an oak tree permit to authorize removal of four oak trees in connection with the construction of a 45,000-square-foot public library building and associated parking area on 5.1 acres in the Peter F. Schabarum Regional County Park.
2. The 5.1-acre subject property is located at the corner of Colima Road and Azusa Avenue in the Puente Zoned District at the border between the unincorporated communities of Rowland Heights and Hacienda Heights. The site is currently used as a group picnic area.
3. The subject property is zoned O-S (Open Space). Surrounding unincorporated properties are zoned C-2-BE (Neighborhood Commercial-Billboard Exclusion), C-3-BE (Unlimited Commercial-Billboard Exclusion), and R-4 (Unlimited Residential) to the north; R-1-7,000*, R-1-9,000*, R-1-10,000*, R-1-15,000*, R-1-20,000* (Single-Family Residence, *square-feet-minimum required area), R-A-9,000 (Residential Agriculture, 9,000-square-feet-minimum required area), and A-1 (Light Agriculture) to the east; and RPD (Residential Planned Development), R-A-1 (Residential Agriculture, 1-acre-minimum required area), C-2-BE, and C-3-BE to the west. The City of Industry lies to the north of the subject property and the City of La Habra Heights lies to the south.
4. Residential properties abut the park to the east and west. Open space lies to the south and southwest, and commercial properties lie to the north.
5. The site plan depicts the footprint of a 45,000-square-foot library building and a parking lot that contains 238 standard-sized parking spaces. Access to the library site is shown from Azusa Avenue to the west, as well as from the interior park road that connects to Colima Road to the north.
6. Removal of four oak trees is necessary to accommodate the proposed library building and parking. No other feasible or cost effective solution is possible that would avoid the need to remove the trees.
7. Among other things, it is the intent of the County's Oak Tree Ordinance (Los Angeles County Code section 22.56.2050 et seq.) to maintain and enhance, for the benefit of current and future residents of Los Angeles County, the general

health, safety, and welfare by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage.

8. As outlined in the Oak Tree Report prepared for this project, three of the four subject oak trees are *Quercus Ilix*, a species of oak not native to the region. One oak is *Quercus agrifolia*, which is native to the region. All four subject oak trees were planted in the park. The trees range in size from 8 inches to 8.75 inches in diameter at breast height ("DBH"). The trees are considerably below the threshold that would qualify them as heritage oaks (36 inches DBH).
- 9 The Los Angeles County Forester and Fire Warden ("County Forester") reviewed the Oak Tree Report prepared for the project and determined that it is accurate and complete as to the location, size, condition, and species of the oak trees on site. The County Forester recommended that the removal of the four oak trees be conditioned on the applicant's provision of replacement trees on a 2:1 basis as mitigation for the impacts of the proposed oak tree removals. This would have resulted in a requirement for the applicant to provide a total of eight replacement trees, consisting of indigenous varieties of *Quercus agrifolia* grown from a local seed source. The County Forester further recommended that the replacement trees be planted at another location in the park, subject to the County Forester's approval.
10. Recognizing that this is a public project for the use and benefit of the public, the Regional Planning Commission, which first considered the proposal, found that 16 replacement oak trees, rather than the eight requested by the County Forester should be required as mitigation for the removal of the four requested oak trees. The Board of Supervisors ("Board") concurs, and this grant will be conditioned upon the applicant providing a total of 16 replacement oak trees.
11. Following its public hearing, the Regional Planning Commission approved the oak tree permit application and recommended that the Board approve the related Amendment of the Resource Management Plan and General Development Plan for Peter F. Schabarum Regional County Park.
12. The project conditions will require that the County Forester inspect the removal of the authorized oak trees and the work in the vicinity of the other oak trees on the subject property to ensure the permittee's compliance with the other conditions of the approval. Additionally, the applicant will have to submit satisfactory evidence that a consulting arborist has been retained to perform or supervise the work and has agreed to inform the Planning Director and the County Forester of any failure on behalf of the applicant to comply with the conditions of this permit.

13. The applicant will be required to install temporary fencing to secure the protected zones of all remaining oak trees on the site as necessary.
14. The applicant will be required to maintain each of the 16 replacement trees and to replace any tree failing to survive due to a lack of proper care and maintenance for a period of two years.
15. The Board finds there is a significant unmet demand for additional library space in the combined library service area that includes the communities of Rowland Heights, Hacienda Heights, and the City of La Habra Heights.
16. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Initial Study concluded that there was substantial evidence that the project may have a significant impact on geotechnical, air quality, traffic/access, biological, hydrology/water quality, and recreational resources and determined that an Environmental Impact Report ("EIR") would be required.
17. Accordingly, an EIR was prepared for the proposal. The EIR consists of the Draft EIR and Technical Appendices, dated September 2002, and the Clarifications and Revisions to the Draft EIR, Comment Letters on the Draft EIR, and Response to Comments, dated December 2002 (collectively, the "FEIR").
18. The FEIR concluded that, except for the loss of 5.1 acres of open space, no significant environmental effects which cannot be avoided or mitigated were identified. The EIR concluded that all potentially significant impacts, including impacts on traffic, geology, air quality, biological resources, water quality, and land use, could be mitigated by the measures presented in the EIR to a less than significant level, with the exception of the loss of park space.
19. The Board finds that the FEIR has been completed in compliance with CEQA, the State CEQA Guidelines, and the County Environmental Document Reporting Procedures and Guidelines, and all applicable federal, state, and local statutes and regulations that govern the management of environmental resources; and the Board has received, reviewed, and considered the information contained in the FEIR and in submission of testimony from officials representing the County of Los Angeles, and other agencies, organizations, and private individuals.
20. The Board has reviewed and considered the information contained in the FEIR and determined that the remaining significant adverse impact to recreational resources has been reduced to the extent feasible and that the remaining

environmental impact to such resources are outweighed by the specific considerations of the project as outlined in the Environmental Findings of Fact and Statement of Overriding Considerations, which findings and statement are incorporated herein by reference, as if set forth in full.

21. The Board certified the FEIR, adopted the Environmental Findings of Fact and Statement of Overriding Considerations, and approved the mitigation monitoring program for the proposal at the close of its public hearing held on February 11, 2003, following which the Board adopted related Park Plan Amendment No. 02-163-(4) amending the Resource Management Plan and General Development Plan for Peter F. Schabarum Regional County Park.
22. The custodian of the documents constituting the record of proceedings upon which the Board's decision is based in this matter is Mr. Gil Garcia, Project Manager, County of Los Angeles Department of Public Works, 900 South Fremont Avenue, Alhambra, California 91803.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the proposed project will be accomplished without endangering the health of the remaining trees subject to Part 16, Chapter 22.56 of the County Code, if any, on the subject property;
- B. That the proposed removal of four oak trees will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
- C. Recognizing that this is a public project for the use and benefit of the public, the Board of Supervisors finds that 16 replacement oak trees shall be required as mitigation for the removal of four oak trees;
- D. That the removal or relocation of the oak trees proposed is necessary as their continued existence at their present location frustrates the planned use of the property for a library to such an extent that placement of such trees precludes the reasonable and efficient use of such property for a use otherwise authorized;
- E. That the removal of the oak trees proposed will not be contrary to or be in substantial conflict with the intent and purpose of the oak tree permit procedure; and

- F. That mitigation for the lost oak resource value of the oak trees proposed to be removed will be provided in accordance with Chapter 22.56, Part 16 of the Zoning Ordinance.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Indicates that it has previously certified the FEIR for the project and certifies that the FEIR was completed in compliance with CEQA and the State and County guidelines related thereto and reflects the independent judgment and analysis of the County regarding the environmental impacts of the project;
2. Indicates that it reviewed and considered the information contained in the FEIR prior to its certification; adopted the Mitigation Monitoring Program incorporated in the final Environmental Impact Report, finding that, pursuant to California Public Resources Code section 21081.6, the Mitigation Monitoring Program was adequately designed to ensure compliance with the mitigation measures during project implementation; determined that the significant adverse effects of the project on recreational resources have been reduced to the level feasible and that the remaining impacts on such resources are outweighed by the specific considerations of the project as outlined in the project's Environmental Findings of Fact and Statement of Overriding Considerations; and
3. Approves Oak Tree Permit Number 02-163-(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL
OAK TREE PERMIT NUMBER 02-163-(4)**

1. This grant authorizes the removal of four oak trees as identified in the Oak Tree Report dated October 1, 2002, subject to strict adherence to all conditions and requirements contained in the Los Angeles County Forester and Fire Warden's report dated November 4, 2002, with the exception that Condition No. 10 of that letter shall be amended as follows:
 - The permittee shall provide 16 oak trees to mitigate the loss of the four oak trees approved for removal.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Los Angeles County Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant, and until all required fees have been paid pursuant to Condition No. 12, below.
4. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional enforcement efforts necessary to bring the subject property into compliance.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.

6. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
7. This grant will expire unless used within three years from the date of approval. A three-year time extension may be requested prior to the expiration date. Such request shall be in writing and must be accompanied by payment of the applicable fee.
8. The permittee shall comply with all conditions and recommendations set forth in the attached Los Angeles County Forester and Fire Warden letter dated November 4, 2002, except that a total of 16 replacement trees are to be planted at another location in the park, subject to approval by the Forester and Fire Warden.
9. The permittee shall comply with all applicable conditions contained in the adopted mitigation monitoring program for the proposal.
10. This grant shall terminate upon the completion of all authorized oak tree removals and all required mitigation and monitoring, to the satisfaction of the County of Los Angeles Forester and Fire Warden, Forestry Division.
11. No oak tree shall be removed until the permittee has obtained all permits and approvals required for the work which necessitates such removal.
12. The permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code. The current fee amount is \$875.

Attachments:

County Forester and Fire Warden Letter dated November 4, 2002
Mitigation Monitoring Program